

LUCAS J. GAFFNEY, ESQ.  
Nevada Bar No. 12373  
GAFFNEY LAW  
1050 Indigo Drive, Suite 120  
Las Vegas, Nevada 89145  
Telephone: (702) 742-2055  
Facsimile: (702) 920-8838  
Lucas@gaффneylawlv.com  
*Attorney for Charlene Scott*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CHARLENE SCOTT,  
  
Defendant.

CASE NO: 2:15-cr-174-KJD-BNW  
CASE NO: 2:15-cr-193-KJD-PAL

**STIPULATION TO CONTINUE SELF-SURRENDER DATE.**

The United States of America, by and through JASON M. FRIERSON, United States Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, and defendant CHARLENE SCOTT, by and through her counsel Lucas Gaffney, Esq., STIPULATE AND AGREE to request this Honorable Court issue an order extending CHARLENE SCOTT'S self-surrender date to the Bureau of Prisons, which is currently set for September 30, 2022.

DATED this 15<sup>th</sup> Day of September 2022.

*Respectfully submitted,*

/s/ Lucas Gaffney  
LUCAS J. GAFFNEY, ESQ.  
Nevada Bar No. 12373  
1050 Indigo Drive, Suite 120  
Las Vegas, NV 89145  
*Attorney for Charlene Scott*

1 The instant the Stipulation is entered into for the following reasons:

- 2 1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty  
3 to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6)  
4 counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220].  
On September 5, 2018, this Court sentenced Charlene to serve forty-six (46)  
5 months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
- 6 2. Following this Court’s imposition of sentence, the parties, either jointly or  
individually, requested to continue Charlene’s self-surrender date due to  
7 healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”).  
Presently, Charlene’s self-surrender date is set for September 30, 2022. [See ECF  
8 No. 411 (case number 2:15-cr-174); ECF No. 90 (case number 2:15-193)]
- 9 3. Charlene suffers from chronic back pain due to a degenerative condition of her  
spine. At the beginning of 2022 the pain in Charlene’s back became progressively  
10 worse. After conducting an MRI, Charlene’s physician scheduled her for major  
back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of  
her own, the surgery was delayed until June 26, 2022.
- 11 4. During a prescreening for the June 26, 2022, surgery Charlene’s physician found  
her blood pressure was extremely high. As such, Charlene’s physician would not  
12 clear her for surgery. Charlene’s physician prescribed medication and a  
regimented diet to reduce her blood pressure. Notably, in the last two months  
13 Charlene visited the emergency room twice due to her high blood pressure.
- 14 5. Charlene recently took a PET Scan to determine the status of her blood pressure.  
She is scheduled to visit her physician on September 15, 2022, to obtain the results.  
15 It is expected Charlene’s blood pressure will be reduced and she will be cleared  
for surgery through the Nevada Spine Clinic. However, the surgery will likely be  
16 scheduled for some time in October, which creates a conflict with the current self-  
surrender date.
- 17 6. The parties have been in contact with Charlene’s U.S. Pretrial Services Officer  
Erin Oliver who has verified the information above regarding Charlene’s surgery  
18 and that Charlene remains in compliance with all conditions of her release. Ms.  
Oliver also indicated the circumstances surrounding the need to reschedule  
19 Charlene’s surgery occurred through no fault of her own.
- 20 7. The parties respectfully request this Court issue an Order continuing Charlene’s  
self-surrender date for ninety (90) days to account for the prospective scheduling  
21 of her surgery and the time it will take for her recovery.

22 ///

23 ///

8. Charlene is currently out of custody and does not object to the continuance.

9. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene's self-surrender date.<sup>1</sup>

10. This continuance is not sought for the purposes of delay.

DATED this 15<sup>th</sup> Day of September 2022.

*Respectfully submitted,*

/s/ Lucas Gaffney

LUCAS J. GAFFNEY, ESQ.  
1050 Indigo Drive, Suite 120  
Las Vegas, NV 89145  
*Counsel for Charlene Scott*

/s/ Kimberly Frayn

KIMBERLY M. FRAYN  
Assistant United States Attorney  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, NV 89101  
*Counsel for United States*

---

<sup>1</sup> AUSA Frayn indicated this is the last continuance the government will agree to.

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 )  
4 UNITED STATES OF AMERICA, )

5 Plaintiff, )

6 vs. )

7 CHARLENE SCOTT, )

8 Defendant. )  
9 )

CASE NO: 2:15-cr-174-KJD-BNW  
CASE NO: 2:15-cr-193-KJD-PAL

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

10 **FINDINGS OF FACT**

- 11 1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty  
12 to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6)  
13 counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220].  
On September 5, 2018, this Court sentenced Charlene to serve forty-six (46)  
months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
- 14 2. Following this Court’s imposition of sentence, the parties, either jointly or  
15 individually, requested to continue Charlene’s self-surrender date due to  
16 healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”).  
Presently, Charlene’s self-surrender date is set for September 30, 2022. [See ECF  
No. 411 (case number 2:15-cr-174); ECF No. 90 (case number 2:15-193)]
- 17 3. Charlene suffers from chronic back pain due to a degenerative condition of her  
18 spine. At the beginning of 2022 the pain in Charlene’s back became progressively  
19 worse. After conducting an MRI, Charlene’s physician scheduled her for major  
back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of  
her own, the surgery was delayed until June 26, 2022.
- 20 4. During a prescreening for the June 26, 2022, surgery Charlene’s physician found  
21 her blood pressure was extremely high. As such, Charlene’s physician would not  
22 clear her for surgery. Charlene’s physician prescribed medication and a  
regimented diet to reduce her blood pressure. Notably, in the last two months  
Charlene visited the emergency room twice due to her high blood pressure.
- 23 5. Charlene recently took a PET Scan to determine the status of her blood pressure.  
24 She is scheduled to visit her physician on September 15, 2022, to obtain the results.  
It is expected Charlene’s blood pressure will be reduced and she will be cleared

1 for surgery through the Nevada Spine Clinic. However, the surgery will likely be  
2 scheduled for some time in October, which creates a conflict with the current self-  
surrender date.

3 6. The parties have been in contact with Charlene's U.S. Pretrial Services Officer  
4 Erin Oliver who has verified the information above regarding Charlene's surgery  
5 and that Charlene remains in compliance with all conditions of her release. Ms.  
Oliver also indicated the circumstances surrounding the need to reschedule  
Charlene's surgery occurred through no fault of her own.

6 7. The parties respectfully request this Court issue an Order continuing Charlene's  
7 self-surrender date for ninety (90) days to account for the prospective scheduling  
of her surgery and the time it will take for her recovery.

8 8. Charlene is currently out of custody and does not object to the continuance.

9 9. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not  
10 object to a ninety (90) day continuance of Charlene's self-surrender date.<sup>2</sup>

11 10. This continuance is not sought for the purposes of delay.

## 12 CONCLUSIONS OF LAW

13 Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to  
14 prison if it is determined by "clear and convincing evidence that she is not likely to flee or pose a  
15 danger to the safety of any other person or the community." Accordingly, 18 U.S.C. §3143(a)  
16 gives this Court the inherent authority to continue Charlene's self-surrender date as long as she is  
17 not a danger to the community or a flight risk. This Court has not found a violation of Charlene's  
18 conditions of pretrial release since setting the conditions in July of 2015, and as the Court  
19 previously determined in allowing Charlene to remain at liberty pending her self-surrender to the  
20 Bureau of Prisons, she is neither a danger to the community nor a flight risk.

21 ///

22 ///

---

23  
24 <sup>2</sup> AUSA Frayn indicated this is the last continuance the government will agree to.

**ORDER**

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 6th Day of January, 2023.

DATED AND DONE this 20th day of September, 2022.



---

UNITED STATES DISTRICT COURT JUDGE  
THE HONORABLE KENT J. DAWSON